

1 [counsel listed on signature page]

2 UNITED STATES DISTRICT COURT

3 DISTRICT OF NEVADA

4

5 JPMORGAN CHASE BANK, N.A.,

6 Plaintiff,

7 v.

8 KB HOME, *et al.*,

9 Defendants.

10

11 2:08-CV-01711-PMP-RJJ
12 BASE FILE

13

14 **STIPULATION AND
15 ORDER EXTENDING TIME TO
16 PRODUCE OTHER LENDER
17 DISCOVERY AND SETTING DATE
18 FOR JOINT PROPOSED
19 DISCOVERY SCHEDULE**

20 **(First Request)**

21 **Related Cases:**

22 2:08-CV-01709-PMP-RJJ
2:08-CV-01713-PMP-RJJ
2:08-CV-01714-PMP-RJJ
2:08-CV-01715-PMP-RJJ
2:08-CV-01716-PMP-RJJ
2:08-CV-01717-PMP-RJJ

23 2:09-CV-01154-PMP-RJJ
2:09-CV-01547-PMP-RJJ
2:09-CV-01548-PMP-RJJ
2:09-CV-01549-PMP-RJJ
2:09-CV-01550-PMP-RJJ
2:09-CV-01551-PMP-RJJ
2:09-CV-01552-PMP-RJJ

24 Relates To:

25 All Actions

26 Pursuant to Local Rules 6-1 and 7-1, plaintiff JPMorgan Chase Bank, N.A. ("JPMorgan") and
27 defendants Meritage Homes of Nevada, Inc., Meritage Homes Corp., Coleman-Toll Limited
28 Partnership, Toll Brothers, Inc., KB Home, KB Home of Nevada, Inc., Pardee Homes of Nevada,
29 Weyerhaeuser Real Estate Company, Beazer Homes Holding Corp., Beazer Homes USA, Inc., John
30 Ritter, and Focus South Group LLC (collectively, the "Defendants"), by and through their
31 undersigned attorneys, stipulate as follows:

1. Pursuant to the Court's October 25, 2010 Order Affirming the Magistrate's Order to
2 Produce Documents in the Possession or Control of the Other Lenders (the "Order," ECF# 366), the
3 deadline for JPMorgan to produce the requested non-privileged, responsive documents ("Lender
4 Discovery") is Monday, November 15, 2010.

2. Pursuant to Local Rule 6-1, this is the first request to extend the Order's November 15,
3 2010 deadline.

3. Counsel for all parties conferred over the phone or by email between November 10
4 and 11 regarding the November 15, 2010 deadline.

4. It is hereby stipulated and agreed by and between the undersigned counsel for the
5 parties that:

- 12 a. JPMorgan requires more time to produce Lender Discovery due to the number of
13 lenders and anticipated volume of documents;
- 15 b. JPMorgan anticipates substantially completing production by December 31, 2010;
- 16 c. JPMorgan will notify the Court and the defendants when such production is
17 complete; and
- 18 d. Fourteen (14) calendar days thereafter, the parties will jointly submit a revised
19 proposed discovery schedule for the Court's approval.

5. The parties respectfully submit that good cause exists to modify the Order because
21 JPMorgan cannot complete its production of Lender Discovery by November 15, 2010
22 notwithstanding the following efforts JPMorgan has made since the Order was issued:

- 24 a. JPMorgan has communicated with all relevant lenders, informed them of the Order
25 and the Court's deadline, and requested that the lenders promptly begin the process
26 of collecting and gathering responsive documents.

- 1 b. Certain lenders may require, and one has already required, that JPMorgan issue a
2 Rule 45 subpoena to obtain the requested documents;
- 3 c. By November 8, 2010, only five lenders were able to provide their potentially
4 responsive documents to JPMorgan. These documents are being reviewed for
5 responsiveness and privilege, and will be produced soon.
- 6 d. At least 20 lenders have informed JPMorgan that they will not be able to provide
7 documents to JPMorgan until close to or after the November 15, 2010 deadline.
8 JPMorgan is still working with the remaining lenders to determine when they
9 estimate being able to complete the collection and review process.

10 6. JPMorgan estimates, based on the volume of documents received so far, that it may
11 receive close to 250,000 pages of documents once all lenders complete their collection. Even if
12 JPMorgan had documents from all lenders today, it could not review and produce this volume of
13 documents by November 15, 2010. JPMorgan estimates such a review could take until the end of
14 December, 2010 to complete, assuming lenders complete their production to JPMorgan by November
15 19, 2010.

16 7. As a result of the foregoing, it is hereby stipulated and agreed by and between the
17 undersigned counsel for the parties that good cause exists to extend the November 15, 2010 deadline
18 to comply with the Order to provide JPMorgan with more time to produce Lender Discovery, and that
19 JPMorgan will notify the Court and the defendants when such production is complete. It is further
20 stipulated and agreed that fourteen (14) calendar days following such notice, the parties will jointly
21 submit a revised proposed discovery scheduling order for the Court's consideration.

22 Dated: November 12, 2010

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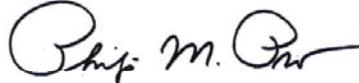
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PURSUANT TO THE FOREGOING STIPULATION, IT IS SO
ORDERED:

By: 
PHILIP M. PRO, UNITED STATES DISTRICT JUDGE
Dated: November 15, 2010